

Message Text

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ACTION L-03

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E.O. 11652: N/A

TAGS: PARM, ICRC

SUBJECT: GENEVA DIPLOMATIC CONFERENCE ON LAW OF WAR

1. SUMMARY: AFTER FIRST DAY OF RESUMED PLENARY MEETINGS OF DIPLOMATIC CONFERENCE, CONFERENCE HAS SHOWN ITSELF TO BE IN CHAOS. CHAIRMAN OF CONFERENCE, SWISS FONMIN GRABER, INCAPABLE OF HANDLING SITUATION. MOREOVER GRABER DISREGARDED COMPROMISES WE THOUGHT WORKED OUT BY CONTACT GROUP OF REPRESENTATIVES OF REGIONAL GROUPS. AFTER TUMULTUOUS PROCEDURAL DEBATE, WITH NO REULES OF PROCEDURES IN FORCE, CONFERENCE DECIDED THAT ANY DECISION RELATED TO INVITATIONS TO PARTICIPATE WOULD BE ADOPTED BY SIMPLE MAJORITY. VOTING PATTERN THAT EMERGED WAS, ON ONE SIDE, ABOUT 63 VOTES CONSISTING OF AFRICANS, SWEDEN, NORWAY, FINLAND, EE'S, AND SOME LA'S; ON OTHER SIDE, ABOUT 30 VOTES, CONSISTING OF REMAINDER OF WEO'S, INCLUDING US AND

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DENMARK, JAPAN, ISRAEL, SOME LA'S, AND SOUTH AFRICA;

WITH ABOUT 14 ABSTENTIONS INCLUDING FRANCE, MEXICO, TURKEY, PHILIPPINES, AUSTRIA, IRELAND, AND SOME LA'S. END SUMMARY.

2. MORNING PLENARY SESSION BEGAN WITH CHAIRMAN GRABER PROPOSING THAT THE ISSUE OF INVITATIONS TO PARTICIPATE IN CONFERENCE BE TAKEN AS PRIORITY TOPIC, WITH ELECTION OF BUREAU AND ADOPTION OF RULES OF PROCEDURE TO FOLLOW. GRABER SUGGESTED THAT UNDER THE TOPIC OF INVITATIONS, FIRST ISSUE TO BE DECIDED WOULD BE WHAT MAJORITY REQUIRED; SECOND ISSUE WOULD BE GUINEA-BISSAU; THIRD ISSUE PRG; AND FORTH ISSUE NATIONAL LIBERATION MOVEMENTS. GRABER ASKED FOR COMMENTS SOLELY ON THE ISSUE OF WHETHER PRIORITY SHOULD BE ACCORDED TO INVITATIONS, AND REMAINDER OF MORNING SESSION AND GOOD PART OF AFTERNOON SESSION TAKEN UP WITH SPEAKERS ON THIS, MANY OF WHOM ALSO COMMENTED ON SUBSTANCE.

3. GRABER, IN MAKING HIS SUGGESTION THAT INVITATIONS BE CONSIDERED FIRST HAD REFERRED TO RESOLUTIONS TABLED ON EACH OF THESE ISSUES AND INDICATED THAT THEY WOULD FORM BASIS FOR DECISION BY CONFERENCE (SEE GENEVA'S 1189, 1190 AND 1191). THIS PROCEDURE DISREGARDED AGREEMENT WE THOUGHT REACHED IN CONTACT GROUP. CONTACT GROUP HAD AGREED THAT IT WOULD BE ACCEPTABLE FOR GRABER TO ANNOUNCE THAT WIDE SENTIMENT FAVORED INVITATION TO GUINEA-BISSAU AND THAT HE WOULD DO SO, PROVIDING CONFERENCE GIVE OPPORTUNITY FOR DELEGATIONS TO EXPRESS THEIR DISSENT AND RESERVATIONS. ON NATIONAL LIBERATION MOVEMENTS, CONTACT GROUP HAD AGREED ON COMPROMISE TRANSMITTED SEPTTEL WHICH MAY IN FACT HAVE REPLACED RES IN GENEVA 1189. WE THUS THOUGHT, AND HAD URGED GRABER, THAT THESE ISSUES BE DISPOSED OF WITHOUT VOTE, LEAVING ONLY THE ISSUE OF PRG TO BE VOTED. THIS WOULD ALSO ASSURE THAT THE QUESTION OF WHETHER SIMPLE OR TWO-THIRDS MAJORITY REQUIRED WOULD ONLY APPLY TO PRG ISSUE. GRABER, HOWEVER, BEHAVED IN PLENARY MEETING AS IF NONE OF WORK OF CONTACT GROUP ON COMPROMISE SOLUTIONS HAD OCCURRED.

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4. DEBATE ON WHETHER TO TAKE INVITATIONS AS PRIORITY MATTER ENDED ON UNANIMOUS ADOPTION OF MOTION BY SENEGAL TO CLOSE DEBATE. GRABER ANNOUNCED THAT AS ALL (EXCEPT ONE, PORTUGAL) HAD FAVORED OR ACQUIESCED IN PRIORITY TO INVITATIONS ISSUES, CONFERENCE HAD DECIDED TO GIVE PRIORITY TO THEM.

5. GRABER THEN SUGGESTED PUTTING TO VOTE FOLLOWING RESO-

LUTION SUBMITTED BY ALGERIA, BANGLDESH, BULGARIA,
BYELORUSSIAN SOVIET SOCIALIST REPUBLIC, CONGO, CUBA,
CZECHOSLOVAKIA, DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA,
DEMOCRATIC REPUBLIC OF VIETNAM, GERMAN DEMOCRATIC REPUBLIC,
HUNGARY, MADAGASCAR, MALI, MAURITANIA, MONGOLIA, PEOPLE'S
DEMOCRATIC REPUBLIC OF YEMEN, POLAND, ROMANIA, SENEGAL,
SUDAN, SYRIA, TANZANIA, UGANDA, UKRAINIAN SOVIET
SOCIALIST REPUBLIC, UNION OF SOVIET SOCIALIST
REPUBLICS, YUGOSLAVIA:

"THE DIPLOMATIC CONFERENCE ON THE REAFFIRMATION AND
DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW APPLICABLE
IN ARMED CONFLICTS,

"HAVING CONSIDERED THE QUESTION OF INVITATIONS TO
TAKE PART IN ITS WORK,

"RESOLVES THAT ANY DECISION RELATING TO INVITATIONS
TO PARTICIPATE IN THE CONFERENCE SHALL BE ADOPTED BY A
SIMPLE MAJORITY OF VOTES OF THE REPRESENTATIVES PRESENT
AND VOTING."

6. US, MONACO AND ITALY HAD INTRODUCED AMENDMENT PROVID-
ING: "IN THE OPERATIVE PARAGRAPH OF THE DRAFT RESOLUTION,
REPLACE THE WORD 'SIMPLE' BY THE WORDS 'TWO-THIRDS'".

7. CONFERENCE THEN UNDERTOOK CHAOTIC PROCEDURAL DISCUSSION,
WITH SOVIETS, AFRICANS, INDIANS AND SOME OTHERS ARGUING
THAT US "AMENDMENT" WAS NOT IN FACT AMENDMENT BUT WAS A
NEW PROPOSAL AND THEREFORE SHOULD BE VOTED ON ONLY IF
PROPOSAL FOR SIMPLE MAJORITY REJECTED. DURING DISCUSSION
OF THIS TOPIC SENEGAL AT ONE POINT PROPOSED CLOSING
DEBATE, BUT AS THERE NO RULES OF PROCEDURES, DEBATE
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BEGAN ON MOTION TO CLOSE DEBATE. SENEGAL THEN
CHANGED MOTION INTO ONE TO CLOSE LIST OF SPEAKERS.
DURING DEBATE ON THIS MOTION GRABER
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